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OGC 70-1983

25 November 1970

MEMORANDUM FOR: Chief, Historical Staff

SUBJECT : Additional Suggestions for the Blue Pamphlet

1. Some further thoughts on the Blue Pamphlet follow. Some discuss errors, some concern possible inaccuracies or misleading statements and some are suggestions:

a. I suggest "foreign" be inserted before the words "intelligence activities" on line 1, page 1.

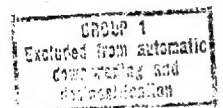
b. The January 1946 letter was addressed only to the three Secretaries although it did also confer authority on the President's personal representative. Further, that letter "designates" those four officials as the National Intelligence Authority, rather than instruct them "to constitute themselves as the 'National Intelligence Authority'".

c. I assume it is correct as paragraph 2 of the pamphlet indicates that the members of the National Intelligence Authority assigned persons to form the Central Intelligence Group. The pamphlet suggests that this may have been a voluntary or discretionary act on the part of the Secretaries involved. In fact, the 1946 letter directed them to do so.

d. Under the directive persons so assigned would "collectively form" the Central Intelligence Group. The pamphlet says that the persons and funds so assigned were to form the CIG. See the 1946 directive at Footnote 22, PART I of the Guide to Central Intelligence Agency Statutes and Law.

e. In paragraph 3, the pamphlet indicates that under the terms of the National Security Act of 1947 the National Intelligence

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Authority was superseded by the National Security Council. This is not correct, although that Act did kill the National Intelligence Authority and did create the National Security Council. The two are quite different organizations; no personnel, funds or responsibilities passed from one to the other and the statute contains no language designating the latter as the successor to the former.

f. I have some problem with the citations to the various statutes in the pamphlet. The first time the National Security Act is mentioned it is not cited, but at a later stage it is. The Central Intelligence Agency Act is cited in identical terms in at least two places. Further, the citations do not furnish very helpful information. For example, Public Law 253 of 1947 is not readily available now to many people. There is also the problem of how or whether to cite both the act and its amendment. I would suggest that we cite the acts only the first time they are mentioned and that the citations be limited to the provision of the United States Code where the acts are now codified. We suggest, therefore, that citations read substantially as follows:

- 1) National Security Act of 1947, as amended (50 U.S.C. 402, 403)
- 2) Central Intelligence Agency Act, as amended (50 U.S.C. 403a. -j.)

g. Are we correct to indent and also use quotation marks as on pages 2, 6, 7, 8, 9 and 10?

h. There seems to be an inconsistency in verb tenses at various points in the pamphlet. On page 1 the National Security Act "states" and on page 2 it "specifies". On page 3 an amendment to it "authorized" and on that page the Central Intelligence Agency Act "supplemented".

i. Is it not at least awkward to refer to the "U. S. " Senate on pages 2 and 3? What other senate could be intended?

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j. With reference to the last paragraph on page 1, I think it is at least misleading to list the National Security Act and the Central Intelligence Agency Act equally as the source of responsibility for the Agency. Further, there are other statutes relevant here. Moreover, the National Security Act refers to the "duties" of the Agency rather than "responsibilities". I would suggest sentences substantially as follows:

The duties of CIA are prescribed primarily by the National Security Act of 1947, as amended. The Central Intelligence Agency Act of 1949, as amended, provides additional legal tools for the Agency to perform its prescribed duties.

k. I wonder if the description of USIB and the position and activities of the Director and the Agency in relation to it on page 4 are accurate. In particular, is it correct that National Intelligence Estimates are prepared only by the CIA? (I have before me at this moment an NIE which states that CIA and the intelligence organizations of the Departments of State and Defense and the NSA participated in the preparation of it.)

l. The paragraph "Accountability" on page 5 to me has a connotation of after-the-fact audit or review, as distinguished from a situation of directives and controls without which CIA cannot and does not act.

m. On the last line of page 5, the statement that the Foreign Intelligence Advisory Board (the correct name was the President's Foreign Intelligence Advisory Board) "represents a reactivation" of the President's Board of Consultants on Foreign Intelligence Activities is an odd and questionable expression.

n. The last paragraph of page 6 seems to duplicate statements made earlier in the pamphlet.



Associate General Counsel

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